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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Forty-eighth session

SUMMARY RECORD OF THE 1139th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 4 March 1996, at 3 p.m.

Chairman: Mr. FERRERO COSTA

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 6) (continued)

Thirteenth periodic report of the United Kingdom (CERD/C/263/Add.7 and Add.7/Part II; HRI/CORE/1/Add.5/Rev.1)

1. At the invitation of the Chairman, Mr. Head, Mr. Steel, Mr. Wells, Mr. Neale, Ms. Fitzgerald, Mr. S. Wong, Mr. P. Wong, Ms. Chan, Mr. Dean, Ms. Ip and Ms. Doherty (United Kingdom) took places at the Committee table.

2. Mr. HEAD (United Kingdom) said that the thirteenth report had been compiled in consultation with the Commission for Racial Equality (CRE) and took account of issues of current public concern as reflected in the Government's ongoing discussions with non-governmental organizations (NGOs). With regard to article 2 (c) of the Convention, legislative proposals on race relations in Northern Ireland were now being drafted and would be open to comment when they were published later in the year. The annexes to the report provided additional material on certain groups, particularly travelling people. In its response to the recommendations made by the CRE in its second review of the Race Relations Act 1976, the Government had agreed that the CRE should be given the power to accept legally binding undertakings and would be legislating to that end.

3. Referring to article 4 of the Convention, he said that the Government, while agreeing that the views held by extremist or racist organizations were obnoxious and unacceptable and noting the Committee's opinion that all organizations of a racist nature should be banned, had concluded that to ban such organizations outright would merely serve to heighten their political and media profile and contribute to increased membership. Their membership currently remained small, they received little or no publicity and they had no political influence. Appropriate legislation should cover the activities of members, not the existence or membership of the organization. Individual members were not immune from prosecution, as was shown by cases currently before the courts.

4. In connection with article 5 of the Convention, the United Kingdom's long-standing legislation to eliminate racial disadvantage and the considerable resources devoted to promoting equal opportunity reflected the Government's concern to ensure that all sections of society, including ethnic minority communities, had full confidence in the criminal justice system. The Government was working towards a more comprehensive system of ethnic monitoring in that field. The most recent publication under section 95 of the Criminal Justice Act 1991, which required the Home Secretary to publish information on ways of avoiding discrimination in the administration of criminal justice, had drawn attention to the limitations of past studies and highlighted new policies and initiatives. The race sub-group of the Criminal Justice Consultative Council had included 50 recommendations in the report. Police stops and searches were now being monitored, and arrests and cautions would be monitored from April 1996. Steps were also being taken to address the under-representation of ethnic minorities in the criminal justice agencies.

5. With reference to article 5 (b) of the Convention, it was difficult to assess the exact number of racial incidents reported to the police and to compare them with other countries, partly because of the very broad definition of a racial incident used by the police in England and Wales, which meant that most incidents fell at the lower end of the seriousness scale and some might not even be covered by the criminal law. The steady increase in the numbers of racially motivated incidents recorded by the police was due in part to the greater readiness of ethnic minority communities to report such incidents, but also to steps taken by the police service to encourage reporting so as to improve its standing in those communities. New measures to combat racial harassment included legislation to make the publication or distribution of racist material an arrestable offence and to introduce a new offence of intentional harassment. It was too early to assess the effectiveness of the new measures, but their use was being monitored. The reconvened Racial Attacks Group was contributing, through its work programme, to the full and effective use of current legislation.

6. Regarding immigration and asylum, he said that the Asylum and Immigration Bill currently before Parliament was based on the view that fair and effective immigration control was a necessary condition for maintaining good race relations. The proposals were fully compatible with the 1951 Convention relating to the Status of Refugees and the United Kingdom's long tradition of accepting genuine refugees. The Government was increasingly concerned about abuse of asylum procedures, which was unfair to the very small number of genuine refugees. Like many other European countries, the United Kingdom was taking action to ensure that it did not become a target for undeserving applications. The proposed measures could in no way be interpreted as a form of racial discrimination.

7. With regard to article 5 (e) (i), substantial funding for specific employment and urban regeneration projects had been provided since the introduction of the Single Regeneration Budget (SRB) in 1994. Over a third of the new schemes concerned support for ethnic minority communities, and three quarters involved community or voluntary groups. Employers, including the civil service, were being encouraged to follow equal opportunity guidelines and to increase the representation of ethnic minorities in senior positions. The number of police officers from ethnic minority communities was rising slowly but steadily.

8. With regard to the right to housing covered by article 5 (e) (iii), concern about the harassment of ethnic minorities on housing estates had prompted the introduction of a Housing Bill, currently before Parliament, which provided for a power of arrest and other measures to make it easier for local authorities to deal with anti-social behaviour including racial harassment. In connection with article 7 of the Convention, the CRE had increasingly concentrated its efforts on education and promotion and had collaborated with a number of organizations in campaigns aimed at increasing public awareness of race issues.

9. The United Kingdom continued to participate actively in the work of the relevant Council of Europe and European Union bodies concerned with racism and intolerance. In response to some criticism about what was seen as the United Kingdom's refusal to agree to a number of European Union proposals for

joint action on judicial cooperation against racist and xenophobic offences, he said that the United Kingdom's hesitations, which did not amount to a veto, stemmed from its belief in the need to achieve a careful balance between allowing freedom of speech for individuals and making certain kinds of acts subject to criminal sanctions. Discussions were continuing, however, on securing an acceptable solution to the problems of joint action. The United Kingdom had meanwhile been participating actively in work within the European Union to make information on racial violence more readily comparable between Member States.

10. Mr. STEEL (United Kingdom), referring to part II of the report, which dealt with Hong Kong, said that, although only an update had been required, the Government had thought it desirable to submit a full report in view of Hong Kong's special status and circumstances. A further report on the territory would be submitted in conjunction with the fourteenth periodic report.

11. Mr. S. WONG (United Kingdom) said that the major human rights treaties, including the Convention, were accepted and applied in Hong Kong in the context of a policy pursued through legal processes, administrative measures and social programmes. Migrant workers enjoyed the same legal protection as local workers. The continuance in force of the two human rights covenants, after Hong Kong reverted to Chinese sovereignty in July 1997, was expressly guaranteed by the Sino-British Joint Declaration of December 1984 and by the Basic Law of the Hong Kong Special Administrative Region (SAR). The International Covenant on Civil and Political Rights, article 2 of which was of direct relevance to the Convention, had been incorporated in Hong Kong law by the 1991 Bill of Rights Ordinance (BORO). Safeguards guaranteeing implementation of the provisions of the human rights treaties included numerous channels for the redress of complaints, such as a Commissioner for Administrative Complaints and an Independent Police Complaints Council. The handling of human rights cases was facilitated by a number of special initiatives such as the provision of more resources to the judiciary and ease of access to legal aid for persons pursuing claims under the BORO.

12. Updating the information provided in paragraph 12 of the thirteenth periodic report (CERD/C/263/Add.7 (Part II)), he said that by 31 December 1995 all English-language draft legislation had been translated into Chinese. The Bilingual Law Advisory Committee had examined 275 ordinances and 190 had been declared authentic. The aim was to authenticate all remaining legislation by July 1997.

13. With reference to paragraph 18 of the report, the number of amending bills to bring existing legislation into line with the Bill of Rights had risen to 36. They were expected to be enacted during the current legislative session. The provision in the Wills Ordinance that wills written in Chinese by testators of Chinese race were exempt from the rules governing the execution of wills had been repealed so that the rules now applied equally to the execution of all wills, regardless of the race of the testator or the language in which the will had been drafted.

14. With reference to paragraph 20, a Sex Discrimination Ordinance and a Disability Discrimination Ordinance, enacted in 1995, would soon take effect

with the establishment of an Equal Opportunities Commission to monitor and develop guidelines for their implementation. Studies of discrimination on grounds of sexual orientation and family status had recently been completed and a process of public consultations on the need for measures in that regard was under way. A similar study on discrimination on grounds of age was nearing completion, to be followed by public consultations in April or May 1996. A forthcoming study on the question of racial discrimination would identify any problems and determine appropriate measures. Steps would be taken to amend any ordinance found to be discriminatory. Five "Sunday-only" - and one five-day - recreational centres had been set up to serve the needs of foreign domestic help.

15. The Hong Kong Government had provided refuge to over 195,000 Vietnamese; not a single one had been turned away. In accordance with the comprehensive plan of action agreed in 1989 under the auspices of the United Nations High Commissioner for Refugees, those who had been determined to be non-refugees had to return to Viet Nam; Hong Kong had given effect to that principle in June 1988, before the plan of action had been formulated. All those currently in the territory had arrived after that date and had been determined to be non-refugees. Some 48,000 had returned to Viet Nam, 46,000 of them voluntarily.

16. Progress on the objective referred to in paragraph 33 of the report had been satisfactory. In December 1995, for the first time in Hong Kong, the High Court had heard a civil case entirely in Chinese. In February 1996 the restriction on the use of Chinese in the District Court and the Lands Tribunal had been lifted. He was confident that by 1 July 1997 half of all judicial posts would be filled by local candidates.

17. Turning to the Hong Kong Government's policy on recruitment to the civil service, referred to in paragraph 49, he said that since 1993 it had been possible for officers originally recruited on overseas terms to transfer to locally based terms provided that they were permanent Hong Kong residents. In 1995 Government decisions as to the criteria for such transfers had been challenged and the Hign Court had found for the applicant in respect of 5 of the 27 decisions contested. That judgement was currently under appeal. As at 1 January 1996, roughly 99 per cent of all public servants were employed on local terms.

18. Mr. van BOVEN (Country Rapporteur) said that the United Kingdom should be commended for taking into account - while not always agreeing with - the Committee's concluding observations on the previous report. He welcomed the broad public interest in the examination of the report: a considerable number of submissions had been made to members of the Committee by NGOs in the United Kingdom. The report was timely and informative. He welcomed the United Kingdom's frequent reference to its commitment to the elimination of racial discrimination. According to paragraph 4 of the report (CERD/C/263/Add.7), that commitment was expressed in "some of the most stringent and comprehensive anti-discrimination legislation in Europe". He asked to what extent such legislation was systematically monitored and whether the CRE and other competent bodies were properly equipped for that task.

19. With reference to paragraph 8, he asked how the United Kingdom's commitment to close cooperation with other countries on the problem of racism should be interpreted in the light of the fact that the United Kingdom had been the only member of the European Union to oppose a draft for joint action relating to racism and xenophobia in the field of legal cooperation. The representative of the United Kingdom had said that his country's demurral had not amounted to a veto; but the effect had been that the joint action plan had been withdrawn.

20. The dual system separating international law from domestic law in the United Kingdom meant that international treaties were not incorporated in the domestic legal system; consequently, the Convention could not be invoked in Britain by victims of discrimination, nor did the courts have the power to review national legislation against the yardstick of the Convention. Such a system was not in breach of international law, but the legal guarantees for combating racial discrimination were very weak, given the combination of four constitutional and legal factors: no incorporation of the relevant convention in domestic law; no bill of rights providing for equality before the law; no right of petition to an international body; and no special hierarchical status for the relevant major legislative act, namely the Race Relations Act 1976. At a time when human rights had become internationalized, the combined effects of those four factors struck him as being somewhat archaic. He wondered whether the Government could not reconsider the status of the Race Relations Act with a view to making it the effective tool that it was claimed to be. The CRE had noted that the Act was subordinated to a wide range of rules, with which it was in conflict, and had recommended that the basic legislation making discrimination unlawful should take precedence over all earlier or subordinate legislation.

21. He drew attention to several reports relating to the growth of anti-Muslim sentiment, which was closely connected with issues of race and ethnicity in modern Britain, as in other countries. The absence of legislation on religious discrimination was currently of particular concern and offence to the Muslim and certain other communities. The CRE had recommended that a law specifically directed against incitement to religious hatred should be introduced and that a law against religious discrimination should be given further consideration. Other religions or religious denominations - Jews and Sikhs in Great Britain and Catholics and Protestants in Northern Ireland - were specially protected by law, and he wondered whether the Race Relations Act could not be broadened to meet the concerns expressed.

22. He welcomed the United Kingdom's response to the Committee's request following the previous report that it should focus on the implementation of the Committee's recommendations, and hoped that the Government would reconsider its position regarding a number of CRE recommendations it had not thus far accepted, which concerned ethnic monitoring in employment, widening of enforcement proceedings and remedies in industrial tribunals to include group actions, legal aid in race discrimination cases and legislation relating to protection against racial discrimination in Northern Ireland. The latter in particular was a matter of urgency.

23. With regard to paragraphs 30-36 of the report, he felt that the United Kingdom's interpretation of article 4, though consistent with its

earlier positions, was unsatisfactory from the standpoint of the Committee's general recommendation XV. Moreover, the interpretative statement contained in paragraph 30 was redundant in the light of the "due regard" clause and inappropriate because of its subjective formulation - "only if [the United Kingdom] considers ...". As a minimum measure the United Kingdom should amend the statement and use objective terms that left open the possibility of an independent assessment of the margin of appreciation. The interpretative statement concerning article 6 was also redundant in his view. As for treaty reservations entered on behalf of former colonies, he welcomed the United Kingdom's statement that they were no longer applicable, which could be considered to imply their withdrawal.

24. He wondered what measures were being taken to increase the very low percentage of police recruits from ethnic communities. The communities themselves had no confidence in police protection against racist attacks and violence. With regard to the incorporation of the Convention in the domestic legislation of the dependent territories, the reply in part II of the report, relating to Hong Kong, was not fully convincing, given that the provisions of the International Covenant on Civil and Political Rights had become part of Hong Kong law in 1991.

25. He noted from paragraph 118 of the report that the United Kingdom had no plans to change its position on making a declaration under article 14. That was disappointing. Whatever remedies might be available at the national level, those at the international level were limited, inasmuch as the United Kingdom had not ratified the Optional Protocol to the International Covenant on Civil and Political Rights, while the European Convention had no comprehensive anti-racism provision. Moreover, many human rights organizations in Britain and Hong Kong strongly supported the article 14 procedure.

26. The section on Northern Ireland (paras. 15-21 of the report) did not fully respond to the concerns of the Committee or of organizations in Northern Ireland. He wished to repeat the question asked in 1993 concerning specific legislative and other measures to protect Irish travelling people, and he asked the United Kingdom delegation to explain the justification for the policy which limited the free movement of travellers, and to state how their accommodation needs were being met.

27. With regard to immigration and asylum, he noted that the report focused on refugees brought to the United Kingdom under Government-sponsored schemes, but was silent on asylum-seekers and immigration. However, there was a close correlation between the issues of migration and racism. He was concerned about the treatment of illegal immigrants, asylum-seekers and those ordered to be deported, particularly in relation to the length of detention, the use of excessive force and the non-availability of adequate legal representation for asylum-seekers to challenge administrative decisions. Statistics showed that there was much racial bias in immigration controls. He also expressed concern that the rule, and the practice, that those refused asylum were entitled to appeal before removal from the United Kingdom would be changed by legislation before Parliament, which, if enacted, would provide for the summary removal of those concerned. They would be allowed to appeal only after deportation to a country that was allegedly safe. Such a right of appeal was obviously

illusory and ineffective. The new Asylum and Immigration Bill would seriously affect immigrants and asylum-seekers. He asked for detailed information to be provided in the next report.

28. With regard to article 5 (b) of the Convention, he said that there were serious allegations of police brutality resulting in the deaths and injuries of detainees, particularly persons belonging to the black and other ethnic communities. Members of ethnic minorities were also often disproportionately subjected to stop-and-search procedures. Given the need for confidence-building, he asked whether race relations training for the police service was adequate.

29. On the subject of political rights (art. 5 (c)), he asked what measures were being taken to address the under-representation of ethnic minority groups in public office, political life, the police, the prison service, the armed forces and academic life, and whether the United Kingdom was prepared to take special measures as envisaged in article 2 (2) of the Convention. In connection with article 5 (e) (i), he noted that the ethnic minorities suffered disproportionate levels of unemployment. He wondered what the United Kingdom's response to the problem was, and in particular whether it offered incentives to employers to recruit more members of ethnic minorities. The Committee needed more information about the functioning of industrial tribunals which dealt with complaints relating to discrimination in employment.

30. Irish people living in Britain experienced substantial disadvantages. They were reported to have the highest rate of mortality of any ethnic minority in Britain and to be over-represented amongst the homeless and the unemployed. He asked whether there was any policy response to the issue on the part of the Government and suggested that it might be advisable to include them as a specific group in the next census. He also noted that 327 anti-Semitic incidents had been reported in 1994, including the desecration of seven cemeteries. The Government had been criticized for its failure to take action against anti-Semitic literature. A response to that issue would be appreciated.

31. Turning to part II of the report, he wondered why the current report covered only 1 dependent territory, compared with 11 in the twelfth periodic report. He welcomed the incorporation in the domestic law of Hong Kong of the International Covenant on Civil and Political Rights, article 26 of which was reproduced in article 22 of the Hong Kong Bill of Rights. The Human Rights Committee considered the provision to apply to all human rights and he wondered whether the Hong Kong authorities shared and applied that interpretation. That was an important matter because the provisions of the International Covenant on Economic, Social and Cultural Rights were conspicuously absent from the Hong Kong Bill of Rights. Moreover, it appeared that article 22 of the Bill of Rights prohibited racial discrimination only on the part of the Government and the public authorities, not on the part of private individuals or organizations. In that respect it failed to comply with the Convention and he hoped that the Hong Kong Government would enact legislation to remedy that shortcoming.

32. Foreign household workers were in a particularly vulnerable position. The Committee on Economic, Social and Cultural Rights had concluded in December 1994 that the so-called "two-week rule" caused particular problems in so far as a worker could neither seek employment nor stay more than two weeks in Hong Kong once the original term of employment had expired. Employers often breached the terms of foreign workers' contracts, while the expense and length of legal proceedings made it virtually impossible for foreign household workers to take legal action to protect their rights. He asked what action was being taken to redress the situation.

33. There was particular concern at the treatment of Vietnamese asylum-seekers in Hong Kong, their long-term detention and the fact that their children were deprived of many of their fundamental rights, including the right to education because of their status as "illegal immigrants". The level of violence used by the Hong Kong police and correctional service officers during the forced repatriation of Vietnamese asylum-seekers gave further cause for concern, and he invited the delegation to respond.

34. Referring to paragraphs 30 and 31 of document CERD/C/263/Add.7, Part II, he asked why the United Kingdom's interpretation of the effect of paragraphs (a) and (b) of article 4 of the Convention was equally applicable in respect of Hong Kong, even though Hong Kong's constitutional and legal order differed from that of the metropolitan territory. Were the Hong Kong authorities prepared to reconsider the matter and enact special legislation in order to comply with article 4 of the Convention?

35. Hong Kong's South Asian ethnic minorities would effectively become stateless after 30 June 1997 solely on the basis of their racial or ethnic origin. They would not be entitled to Chinese citizenship or to the new Hong Kong passports which would be issued only to Hong Kong citizens of Chinese origin. That raised serious questions in respect of the provisions of article 5 (d) (ii) and (iii). He therefore asked what was being done to solve that problem, and invited the delegation to comment on why the Hong Kong authorities had rejected the idea of establishing an independent human rights commission in Hong Kong in line with general recommendation XVII.

36. He noted with satisfaction that, according to paragraph 62 of the report, the Government of Hong Kong disseminated human rights texts in both Chinese and English, and he asked whether tnat would also apply to the Committee's concluding observations on Hong Kong.

37. As of 1 July 1997, Hong Kong would come under the sovereignty of China although the principle of "one country, two systems" would apply. It was to be hoped that special arrangements would be made between the central Government of China and the Hong Kong administration with regard to reporting under the Convention.

38. Mrs. SADIQ ALI referred to reports that 21 Punjabi women had been secretly fed with radioactively contaminated bread as part of an experiment in Britain in the 1970s. Not being English-speakers, the women had been unable to question why they had been taken to an atomic research centre after eating the bread. The British Government should investigate such questionable actions and pay compensation.

39. She asked what the Government had done to ease the situation in Bradford in the wake of riots, involving mostly Muslim youths, in June 1995. Bradford was an area of high unemployment for young Muslims, and the attitude of the police was perceived as high-handed. That attitude was reflected in a letter written by the head of the Metropolitan Police to black community leaders, blaming young blacks for most of London's street robberies. The study on which he had based his remarks, it had later been admitted, had been carried out in an area with a heavy concentration of black people and was not representative of London as a whole. The question therefore arose whether police officers could be retrained by the Government to help eliminate racial prejudice and bias.

40. Members of the Indian community were the prime target of racist attacks in such areas as Northfields (Leicester), where a public meeting called to address the issue had been told by the local police that no legal action could be taken against many of those responsible for the attacks, who were minors. However, she did not see why the families of such minors could not be approacned, and she asked whether the Home Office was involved in efforts to stamp out racist attacks.

41. With regard to the implementation of article 5 (b) of the Convention, the Committee would welcome information on whether the Government of the United Kingdom was considering ways of providing practical help to Asian women who were victims of domestic violence. Immigration and asylum laws and regulations needed urgent reform. For example, the one-year rule had led to gross violations of civil liberties and human rights. The rule required that a person given initial leave to enter or remain in the United Kingdom on the basis of marriage must remain within the marriage for 12 months before becoming eligible for permanent residence. Women had fallen victim to some of the worst forms of exploitation and abuse as a result of the power wielded by their husbands on the basis of the one-year rule. There had been reports of cases where women had been refused financial help, isolated from their families and kept in ignorance of the few rights they might have. Most of them had been forcibly deprived of their passports and other documents. The one-year rule also contained a clause specifying "no recourse to public funds", which effectively forced spouses into total dependence. She asked what reforms the Government intended to introduce to protect such women.

42. Recent surveys showed that the Chinese community faced many problems in Northern Ireland, not least language difficulties which hindered access to services such as primary care. She asked for information on how equal access to services could be guaranteed to the Chinese community and whether measures would be taken to train more interpreters to help Chinese people communicate.

43. Finally, she asked whether the Government of the United Kingdom would consider introducing legislation to extend the law on blasphemy to cover Islam, Hinduism and Buddhism, in addition to the Christian religion, and she requested information on the work of inter-faith societies and inter-religious museums for schoolchildren.

44. Mr. CHIGOVERA noted that article 4 (b) of the Convention prohibited both the activity and membership of organizations that incited racial discrimination, whereas legislation in the United Kingdom prohibited only the activity of such organizations. The United Kingdom should therefore consider introducing legislation that fully complied with the Convention.

45. He asked how the Government was monitoring the Equal Opportunities Ten Point Plan for Employers and the impact of the Single Regeneration Budget on black and ethnic communities. A London-based NGO had alleged that the Race Relations Act 1976 did not constitute a general prohibition of discrimination on the grounds of race in Great Britain and that it did not apply to many central government services to the public. He invited the delegation to comment. The Scottish Council for Civil Liberties claimed that the Government was taking fewer and slower steps to deal with racial discrimination in Scotland than in England and Wales. He asked whether that was true and, if so, what could be done to rectify the situation.

46. He invited the delegation to comment on allegations by some NGOs about the racial implications of certain schooling arrangements under the Education Reform Act, and on differential treatment by immigration officials aimed at reducing the proportion of African and Caribbean entries - in particular, an incident involving the arrival of a charter flight from Jamaica on 21 December 1993, in which the passengers had been detained and 27 of them sent back. A further allegation calling for comment was that United Kingdom citizenship, or the right to enter the United Kingdom after 1 July 1997, had been denied to certain Hong Kong residents.

47. He asked what the Government's position was on discrimination in the police force, and whether it consulted black police officers' representatives in that regard.

48. Mr. de GOUTTES said that the United Kingdom's periodic reports were remarkable for the evidence of exemplary efforts to tackle racial discrimination and the abundance of documentation and sources, including NGOs and other bodies. At the same time, the Government disagreed with some of the Committee's earlier findings; as a result, the report had certain negative aspects. First, the United Kingdom did not intend to reconsider the reservations it had expressed with regard to articles 4 and 6 of the Convention, despite the Committee's concluding observations on the twelfth periodic report. Secondly, the Government was not prepared to adopt specific legislation, pursuant to article 4, to prevent incitement to racial violence, on the grounds that existing legislation was adequate. That stance was the more regrettable since the Convention could not be invoked in a court of law. It was hard to reconcile the statement, in paragraph 43 of the report, that it was not felt "right in principle" to introduce a separate class of violent crime of racial motivation with the reference in the following paragraph, to severe sentences based precisely on such motivation.

49. Thirdly, the Committee did not share the view, expressed in paragraph 36, that a ban on groups like the British National Party would run counter to the object and purpose of the Convention. Fourthly, the Committee could not accept the contention, in paragraph 118 of the report, that, in the light of existing domestic and international law, the United Kingdom need not make a

declaration under article 14 to permit individual communications. Some European States parties accepted such communications not only under the Convention but also under the European Convention on Human Rights. Fifthly, the Committee could not agree with the decision not to incorporate the Convention in the domestic legislation of Hong Kong and other dependent territories, or accept that the domestic legislation was adequate.

50. With regard to article 2 of the Convention, he requested up-to-date information on the "Urban Challenge" initiative for training facilities in areas with a high proportion of immigrants. Regarding article 4, he asked what progress had been made on legislation relating to Northern Ireland, and whether the CRE would have a part to play. Referring to article 5, he would welcome an analysis of social indicators, of the kind the Committee usually took into account as a measure of racial discrimination, especially with regard to the black population and immigrants. On the subject of article 6, he regretted the lack of statistics regarding court cases, sentences and compensation arising from racist acts. He wondered whether the CRE had a hand in drafting the periodic reports. Concerning article 7, it would be interesting to know what steps the Government planned to take in order to disseminate the current report and the Committee's conclusions throughout the United Kingdom and Hong Kong.

51. Paragraphs 59 and 60 of the report gave an indication of the Government's efforts to promote the training of judges and lawyers in intercultural problems; he stressed that such training was also necessary for police and prison officers, and he would welcome further comments, as well as an initial progress report on the Judicial Studies Board.

52. Mr. RECHETOV said that, although the United Kingdom's report served the purpose of candid dialogue with the Committee, it also showed signs of an increasingly divergent approach to problems, especially in the matter of legislation. While he did not dispute the importance of the hallowed principle of freedom of expression, he felt that the United Kingdom's approach was questionable, even when measured by practical results. He shared the previous speaker's concern about the failure to ban organizations such as the British National Party. While he could agree, in general, that the States parties themselves, not the Committee, were the main interpreters of the Convention, he felt that efforts must be made to resolve the contradictions that had been brought to light.

53. With regard to Hong Kong, he inferred from paragraph 42 of Part II of the report that the matter of citizenship was being dealt with somewhat arbitrarily, based on criteria that fell far short of international norms; experience in eastern Europe had shown what harm could result from such an approach. It was in any case essential that the situation in Hong Kong should remain subject to international scrutiny after 1 July 1997.

The meeting rose at 6 p.m.